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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

ENOCH ADAMS, JR., LEROY ADAMS,  
ANDREW KOENIG, JERRY NORTON  
DAVID SWAN and JOSEPH SWAN,

Plaintiffs,

v.

TECK COMINCO ALASKA INCORPORATED

Defendant.

NANA REGIONAL CORPORATION and  
NORTHWEST ARCTIC BOROUGH,

Intervenors-Defendants.

Case No. A04-49 (JWS)

**PLAINTIFFS' NOTICE  
OF NON-OPPOSITION  
TO PROPOSED ORDER  
DISMISSING CLAIMS  
AND ESTABLISHING  
LIABILITY**

**PLAINTIFFS' NOTICE OF NON-OPPOSITION  
TO PROPOSED ORDER DISMISSING CLAIMS**

Teck Cominco has filed a proposed order Dismissing Claims and Establishing Liability, at Docket 327-2. With one minor condition, plaintiffs do not oppose the entry of this order, which will focus trial on the remaining claims. The proposed order on page two in its first full paragraph contains the clause “without prejudice to Teck Cominco’s right of appeal.” For parallelism, that phrase should be either struck, or a parallel phrase such as “without prejudice to plaintiffs’ right of appeal” inserted above on page one after the phrase “In accordance with the concessions made by the plaintiffs in their trial brief” and before the phrase “the following claims are hereby dismissed.” It is plaintiffs’ position that the phrase is unnecessary and should be struck, but if it is to remain, it should be in both places in the order.

Respectfully submitted, 27 April 2008.

/S/ Luke Cole

Luke Cole

#### CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of April 2008, a true and correct copy of the foregoing Plaintiffs’ Notice of Non-Opposition to Proposed Order was served, via the Court’s electronic mail distribution system, on the below identified parties of record:

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/S/ Luke Cole  
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